

REMARKS/ARGUMENTS

The drawings are objected to under 37 CFR §1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first mirror segment being movably or pivotally supported within the housing as in claims 9,17,18,20 and 22 must be shown or the feature(s) canceled from the claim(s).

Applicants respectfully traverse this objection in that it is not applicable to the instant situation. The Examiner states, “the first mirror segment being movably or pivotally supported within the housing” is not supported by the drawings in specific claims. This objection is not understood because the first mirror segment being adjustable is the prior art. Applicants in their specification specifically address that which is now found lacking. Specifically, in paragraph 24 of the specification, it is stated,

“Remotely controlled, adjustable exterior vehicle mirrors are well known in the art as previously discussed. These exterior mirrors are remotely controlled to allow individual drivers to adjust the driver side and/ or the passenger side exterior mirror from inside the vehicle. Thus, in accordance with the invention, this standard system for adjusting conventional exterior vehicle mirrors is not shown in the accompanying drawings; however, it will be realized by the skilled artisan that an adoption of this conventional adjustment system can be utilized to affect the independent tilting of the mirror elements in accordance with the instant invention. Such system is incorporated herein by reference.”

Applicants respectfully bring Examiner’s attention to 37 CFR §1.81(a). In accordance with that section, drawings are only required when they are necessary for the understanding of the invention. Applicants specifically incorporated this prior art adjustment system including the method for moveably supporting the mirror, such as by ball pivots yokes and the like. The Examiner’s attention is directed to the fact that 35 USC §112 1st paragraph requires the specification “as a whole” describe, enable and show the best mode. The drawings are only one portion of the specification.

In addition, Claims 9, 17, 18, 20, and 22 have been amended to incorporate the language as set forth in Claim 1 which was not objected to under 37 CFR §1.83(a).

Claim 22 is objected to in that there is a term missing in "at one" in line 9 and "when said when" is grammatically incorrect in line 18. The Examiner’s curtesy in bringing these

obvious typographical errors to Applicants' attention is appreciated. The appropriate amendments have been made to Claim 22.

Claims 1-11 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the Examiner pointed out that Claim 1 states that the second positioning device "may be the same as the first" and suggested to the Applicant that this renders indefinite the claimed combination since the number and arrangement of positioning device(s) is unclear, and therefore, the dependent claims inherit this deficiency.

Claim 1 has been amended to delete the objectionable phrase.

Claims 1-6, 9-14 and 17-22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Scifres (US 4022520) in view of Vu (US 4890907). Examiner's position is that,

"Scifres shows a rearview mirror system including first(1) and second(2) spaced-apart, stacked mirror elements each independently movably or pivotally supported within a housing (col. 2 line 11), with the mirrors, through their pivotal connections, capable of providing a planar view (as in fig. 2), and wherein the second mirror is selectively positionable in a generally downwardly tilted position (via its pivot connection 22). Examiner states that Scifres does not teach the second mirror to *automatically* tilt downwardly during backing (when the vehicle is placed in reverse gear) and return to its original position when the vehicle is removed from reverse gear. "

Further, Examiner states that

"Scifres also does not teach a motor or control circuit to accomplish this automatic positioning of the second mirror. However, Vu teaches such an arrangement, showing a second mirror(22) which is automatically positioned generally downwardly (in a similar manner as is shown by applicant) when the vehicle is placed in reverse gear (col. 2 lines 39-42). Note also Vu's motor and control circuit (fig. 6) for adjusting the mirror in this manner.

To establish a *prima facie* case of obviousness, the U.S. Patent and Trademark Office must meet three basic criteria. First, the prior art reference (or references when combined), considered as a whole, must teach or suggest all the claimed limitations. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, without the benefit of hindsight afforded

by the claimed invention, to modify the reference or to combine reference teachings. Finally, there must be a reasonable expectation of success. *Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 n. 5, 229 U.S.P.Q. 182, 187, n. 5 (Fed. Cir. 1986), MPEP 2141.

It is respectfully submitted that the Examiner is taking the Scifres reference totally out of context. First, as set out in the specification, this apparatus is set to eliminate blind spots which occur and prevent the driver from seeing overtaking traffic from certain positions along side a forward moving vehicle. As set forth in the reference,

“The area coverage by the reflected view of this outside rear view mirror assembly eliminates the dangerous blind spot which exists in almost every model of every motor vehicle manufactured in the United States. Furthermore, this invention, because of its reflected view coverage eliminating the blind spot, will eliminate the necessity of the driver turning his head to the left or right to fully determine the traffic patterns and conditions on either or both sides and to the rear of his vehicle. In so doing the driver commits a dangerous act because he momentarily is not aware of the traffic condition in front and could easily be engaged in a rear end accident.”

Thus, contrary to the argument in the rejection, the two mirrors do not act as a single plainer surface during normal driving as in Applicants’ invention, but are set by the driver at oblique angles to cover the blind spot. This is comparable to adjusting a rear view mirror when a driver enters the vehicle. This is clear from the reference recitation that,

“It has previously been recognized that simple, flat, rear view mirrors are deficient in providing an adequate field of vision both directly to the rear and to the side of a motor vehicle. One solution has been the use of convex mirrors, but they severely distort the reflective image. Another solution is the use of plurality of flat mirrors but they are deficient in providing simple and effective adjustment.”

Scifres does not teach moving the mirrors in response to vehicle movement nor maintaining the mirrors in planer relationship during driving. Such an interpretation is totally contrary to the teaching of Scifres, and can only be obtained by hindsight determination. There is simply nothing in this reference which would lead the skilled artisan to conclude that the mirrors of Scifres are in one configuration when the vehicle is moving forward, but in a different configuration when the vehicle is placed in reverse, as in Applicants’ invention. Adding an automatic position device, as in Vu, does nothing for the basic teachings of the Scifres reference. Specifically, there must be some suggestion or motivation to combine the references.

Vu, on the other hand, fails to show a salient aspect of Applicants' invention in that the movable housing (18) is pivotally mounted at (19) to underside of the side view mirror (14) so that the movable housing (18) can go between a closed position "A" and an open position "B". There are two aspects here. First, as required by Applicants' claimed invention, the Vu mirrors do not provide a single planer service rear vision mirror for use when the vehicle is in forward motion; and, second, it is the housing that pivotally moves, not the mirror. In fact, there is nothing in either of these references which remotely suggest any combination, much less that suggested in the rejection.

It is respectfully submitted that it is Examiner's burden to specifically show "substantial evidence" that the reference teaches every claimed aspect of the claimed invention. *In re Sang Su Lee* 277 F.3d 1338; 2002 U.S. App. LEXIS 855; 61 U.S.P.Q.2D (BNA) 1430 (2002). Mere conclusionary statements will not suffice. *In re Zurko*, 258 F.3d 1379 (Fed. Cir. 2001). Factual findings of the Patent Office with respect to questions of patentability will be reviewed by the Federal Circuit for "substantial evidence."

It is respectfully submitted that the Examiner's conclusion that,
"It would have been obvious to the ordinarily skilled artisan the time of invention to automatically position Scifres' second mirror downwardly when the vehicle is placed in reverse as is taught by Vu in order to enable viewing of the curb when backing or parking the vehicle (Vu, col. 1). The method limitations of claim 20 are inherent in the structure of Scifres in view of Vu discussed above."
is not supported by the teachings of the combined references. This hindsight conclusion is the inventive height of Applicants' claimed invention.

Claims 7, 8, 15 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Scifres in view of Vu as applied to claims 1 and 12 above, and further, in view of either McDonough (US 5052792) or JP 58-4647 (JP'647). Examiner states that,

"Scifres in view of Vu does not show the first and second mirrors to abut one another and be hinged along their common side. However, such an arrangement is shown by both McDonough (fig. 2) and JP'647 (figs. 5 and 6). It would have been obvious to the ordinarily skilled artisan at the time of invention to have the mirrors abut one another and be hinged together along a common side in order to provide a seamless view while still allowing for adjustment of each of the mirrors."

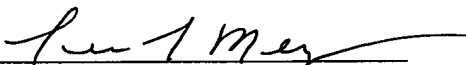
The addition of this reference further points up the hindsight application of the art to Applicants' claimed invention and the non-obviousness of the invention. This reference, like

Scifres, relates to mirror blind spots in a forward moving vehicle while turning. This reference turns the mirrors of Scifres in response to a turn signal while moving forward, yet neither Scifres nor Vu were cited as prior art against McDonough. This shows both the misapplication of the art as applied in the rejection; and, the long felt need for simple, adjustable rear view mirror systems, one of which was not met until Applicants invention.

By action taken here, Applicant in no way intends to surrender any range of equivalents beyond that needed to patentably distinguish the claimed invention as a whole over the prior art. Applicant expressly reserves all such equivalents that may fall in the range between Applicant's literal claim recitations and combinations taught or suggested by the prior art.

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